

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Eric D. Hovde and Steven D. Hovde,

Plaintiffs,

vs.

ISLA Development LLC and Jeffrey T.
Riegel,

Defendants.

)
)
) Case No. 2018 CV 07323

) Judge: Honorable John Z. Lee

)
) Magistrate Judge: Hon. Maria Valdez
)

**MOTION FOR ENTRY OF JUDGMENT AS TO DAMAGES ON
COUNT II OF PLAINTIFFS' AMENDED COMPLAINT**

Now comes the Plaintiffs, Eric D. Hovde and Steven D. Hovde by their attorneys Ruff, Freud Breems & Nelson Ltd. and for their Motion for Entry of Judgment as to Damages on Count II of Plaintiffs' Amended Complaint in the amount of \$146,211,267.40 states as follows:

1. On July 31, 2020 the Court entered its Memorandum Opinion and Order (CM/ECF 126) the Order, providing in pertinent part that the Court "grants summary judgment in the Hovdes' favor as to the [Riegel] Guaranty". The Order further specifies that "... the Hovdes are directed to file a motion for entry of judgment as to damages based on the Guaranty".

2. For the reasons set forth herein, Plaintiffs move this Honorable Court for a judgment in their favor and against the Defendant, Jeffrey T. Riegel ("Riegel") individually in the amount of one hundred forty six million two hundred and eleven thousand, two hundred sixty-seven dollars and forty cents (\$146,211,267.40).

3. First, there is no question that Riegel, nor anyone else, ever paid a dollar toward the repayment of the indebtedness secured by the Guaranty.

4. Nor has there ever been any factual dispute concerning the amount of principal disbursed by the Plaintiffs or the date of each disbursement. Defendants by their Second Amended Affirmative Defenses judicially admitted in Exhibit 4 that the Hovdes made 17 disbursements of principal secured by the Guaranty from June 2, 2005 through April 15, 2008 inclusive, for the aggregate principal amount of \$4,394,821.00. (CM/ECF Doc. 38-4).

5. A copy of Defendants Exhibit 4 to its Second Amended Affirmative Defenses is attached hereto for the Court's convenience as Exhibit 1.

6. In addition, Defendants Second Amended Affirmative Defenses, including Exhibit 4, were admitted into evidence by agreement of the parties at the evidentiary hearing held on the issuance of a preliminary injunction on October 30, 2019 before this Court. (CM/ECF Doc. 75, p. 3).

7. There is similarly no controversy concerning the interest accruing on the indebtedness from the date of each of the 17 disbursements of principal. Specifically, interest accrued on the unpaid indebtedness at the rate of 25% per annum, compounded monthly, based upon a 360 day year. (CM/ECF Doc. 14-3).

8. Attached hereto as Exhibit 2 is a spreadsheet prepared under the supervision and direction of Plaintiff, Steven D. Hovde detailing the accrual of interest each month on the unpaid indebtedness secured by the Guaranty from June 2, 2005 through July 31, 2020.

9. Exhibit 2 evidences that during the time period from June 2, 2005 through July 31, 2020 interest has accrued on the unpaid indebtedness secured by the Guaranty in the amount of \$141,816,446.40. When the total amount of principal disbursed in the amount of \$4,394,821.00 is added to the unpaid interest, the grand total is \$146,211,267.40.

10. Exhibit 3 is the Declaration of Plaintiff Steven D. Hovde attesting to the amount due and owing on the Guaranty in the amount of \$146,816,446.40.

WHEREFORE, the Plaintiffs Eric D. Hovde and Steven D. Hovde pray for the entry of a pecuniary judgment in their favor and against the Defendant, Jeffrey T. Riegel in the amount of \$146,816,446.40.

Said Plaintiffs

/s/ Edward P. Freud

By: One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2020, I filed the foregoing *Plaintiffs' Motion For Entry of Judgment As To Damages on Count II of Plaintiffs' Amended Complaint* electronically through the CM/ECF system, which will send notification of such filing to the following:

/s/ Rebecca Rozak
Rebecca Rosak

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